



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,077	10/16/2003	Kyoung-Woo Lee	9898-326	8142
20575	7590	12/29/2005	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			GUERRERO, MARIA F	
			ART UNIT	PAPER NUMBER
			2822	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

10 / 688077

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT

PAPER

20051221

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The reply filed on October 11, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the amendment to the claims do not provide clarification regarding the 35 USC 112 Rejection. Claim 1 recites: "a contact hole in a dielectric layer hat is between the upper electrode and the lower electrode", in lines 4-6; "patterning the dielectric layer to form the contact hole through which the surface of the first wiring layer is exposed; and forming the upper electrode comprising a material to contact the first wiring layer through the contact hole", in line 11. The scope of the claim is indeterminate because the claim previously recited "a method of manufacturing an MIM capacitor, which includes a lower electrode, a first wiring layer that is located below or in the same level with the lower electrode and is insulated from the lower electrode, and an upper electrode that overlaps with the lower electrode"; if is unclear how the surface of the first wiring layer is exposed when the first wiring layer is located below the lower electrode because the claim recited that the first wiring layer is insulated from lower electrode. Clarification is requested. In addition, it is suggested to define the claim using positive recitations and to incorporate the preamble in the body of the claim. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria Guerrero whose telephone number is 571-272-1837.

*Maria Guerrero*  
**MARIA F. GUERRERO**  
PRIMARY EXAMINER